

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before this Court on the government's Motion to Quash Subpoenas [Doc. 43], and a hearing was conducted on March 27, 2007. Present on behalf of the government was Assistant United States Attorney Cynthia F. Davidson. Attorney Leslie McAdoo participated via telephone on behalf of the defendant Douglas Thompson. Attorney John T. Milburn Rogers participated via telephone on behalf of Randall Thompson. Neither defendant was present. Argument was heard and this Court took the motion under advisement.

During the hearing, attorney McAdoo defended the subpoenas by providing additional detail and factual context for the information requested. After hearing this additional description, the government agreed to seek and provide, to the extent possible, some of the material subpoenaed by defendant Douglas Thompson. It appears to the Court that the parties may be able to resolve some,

most or all of these information requests between themselves with further conversation. Accordingly, the Court suggests that Attorney McAdoo and AUSA Davidson discuss with specificity what item or items, or document is at the core of each subpoena request and whether the government will or can provide that particular item or document. The Court appreciates the parties' disagreement about the propriety of the subpoenas as they now read. As the Court considers the arguments and pre-trial motions on this issue, in the interest of judicial economy and common sense, if there is no disagreement as to certain specific items or documents the parties should endeavor to identify those and inform the Court.

Accordingly, this matter is set for a telephonic conference on April 19, 2007, at 1:30 p.m. before this Court for the AUSA Davidson and Attorney McAdoo to report what, if any, agreement has been reached as to the subject material of all or any part of these subpoenas. Attorney Rogers has not joined in this issue and his participation in the telephonic conference is excused, though he is welcome to join. After the telephonic conference, this Court will issue a written ruling on any remaining issues related to the Motion to Quash Subpoenas. Should any of the counsel involved be unable to participate in a telephonic conference on April 19, 2007, at 1:30 p.m., advise chambers at (865) 545-4260 and the Court will designate a different date or time as requested.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge